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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,544	06/23/2001	Steven Van Fleet	IP6094	1844
1726	7590	11/17/2005	EXAMINER	
INTERNATIONAL PAPER COMPANY			KRAMER, JAMES A	
6285 TRI-RIDGE BOULEVARD			ART UNIT	
LOVELAND, OH 45140			PAPER NUMBER	

3627

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/891,544

Applicant(s)

VAN FLEET, STEVEN

Examiner

James A. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 19-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

Claims 19-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on 9/2/05.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-18 are rejected under 35 U.S.C. 102(a) as being anticipated by Bowers et al.

With respect to **claim 1**, Bowers teaches a plurality of products, each having a tag with a unique code (see for example column 2, lines 1-2), a tag reader having a tag detection range (see for example column 2, lines 2-4) and change of state detection means for determining when each said product enters or leaves said tag detection range (see for example 8-14).

With respect to **claim 2**, Bowers teaches prediction means adapted for predicting a consumer purchase decision (see for example column 14, lines 38-67).

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With respect to **claim 3**, Bowers teaches said tag reader comprises a geometric array of reading devices having individual tag detection ranges (see for example Figure 9) and each of said products is associated with a particular one of said reading devices (see for example column 2, lines 2-4).

With respect to **claim 4**, Bowers teaches said tag readers and said products are associated with a product display (see for example column 2, lines 50-52) and said tag readers comprise interrogators for identifying the unique code and physical location of each said product with respect to said product display (see for example column 9, lines 41-54).

With respect to **claim 5**, Bowers teaches data storage means for compiling an inventory database including at least identification of all articles in the product display and the location status of each of the articles, the database receiving, from said tag readers, the initial location information and the article identification information for each of the articles on display (see for example column 9, lines 41-54) and a processor in communication with the data storage means for updating the location status of the articles on display (see for example column 10, lines 49-51).

With respect to **claim 6**, Bowers teaches wherein each said tag is an RFID tag (see for example column 2, lines 1-2).

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With respect to **claim 7**, Bowers teaches said tag reader comprises a geometric array of reading devices having identical tag detection ranges (see for example Figure 9) and each said product is associated with a particular one of said reading devices (see for example column 2, lines 2-4).

With respect to **claim 8**, Bowers teaches said tag readers and said products are associated with a product display (see for example column 2, lines 50-52) and said tag readers comprise interrogators for identifying the unique code and physical location of each said product with respect to said product display (see for example column 9, lines 41-54).

With respect to **claim 9**, Bowers teaches data storage means for compiling an inventory database including at least identification of all articles in the product display and the location status of each of the articles, the database receiving, from said tag readers, the initial location information and the article identification information for each of the articles on display (see for example column 9, lines 41-54) and a processor in communication with the data storage means for updating the location status of the articles on display (see for example column 10, lines 49-51).

With respect to **claim 10**, Bowers teaches wherein each said tag is an RFID tag (see for example column 2, lines 1-2).

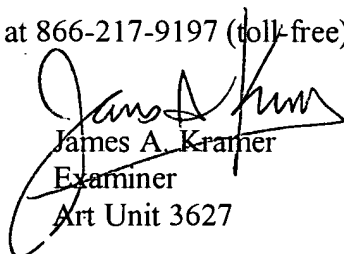
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Examiner notes that claims 11-18 are substantially similar to claims 1-10 described above and are thus rejected based on the same analysis.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272 6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James A. Kramer  
Examiner  
Art Unit 3627  
11/10/05

jak